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(510) 639-0639 (Office) • (510) 639-4653 (Fax)

BID PROTEST

Date: **October 31st, 2018**
Project No. 03-4F4604
Bid Opening Date: 10/25/18

To Whom It May Concern,

By way of this letter, St. Francis Electric is hereby protesting the bid submitted by Studabaker Brown for the above referenced project.

DBE Goal:

Per the Notice to Bidders located in the Project Special Provisions (attached), the required DBE goal for 03-4F4604 was set at 16% of the total bid. However, Studabaker Brown has failed to reach the required 16% goal making them non-responsive.

Bid Item #5

Studabaker Brown listed KRC Safety Inc. for renting the Portable Changeable Message Signs and per their DBE submittal package; they listed them for \$37,000 for this item. Per Caltrans, equipment rentals can only be counted at 60% (See Attached). Studabaker Brown failed to apply the 60% rule when they listed KRC in this item and instead, applied it as counting 100% towards the DBE goal. When this \$37,000 is subjected to the 60% rule it becomes \$22,200 in contribution towards the goal. This drop of \$14,800 reduces Studabaker Brown's overall DBE amount to \$871,256.40 or 15.96% and thus, they have failed to reach the required 16% DBE goal for the project. By failing to reach the DBE goal they must be deemed non-responsive.

In conclusion

For the reasons set forth above, St. Francis Electric respectfully requests that Studabaker Brown's bid be rejected and that award of the above referenced contract be made to St. Francis Electric, the low responsive bidder.

Sincerely,

Guy Smith
Vice President
St. Francis Electric
510-639-0639 Ext 211

From the desk of Guy Smith

NOTICE TO BIDDERS

Bids open Thursday, October 25, 2018

Dated October 1, 2018

General work description: Install Fiber Optics System

The Department will receive sealed bids for CONSTRUCTION ON STATE HIGHWAY IN YOLO AND SACRAMENTO COUNTIES IN WEST SACRAMENTO AND SACRAMENTO FROM 0.1 MILE WEST OF JEFFERSON BOULEVARD UNDERCROSSING TO WATT AVENUE OVERCROSSING.

District-County-Route-Post Mile: 03-Yol,Sac-50-2.4/3.2, L0.0/R5.3

Contract No. 03-4F4604

The Contractor must have either a Class A license or the following Class C license which constitutes a majority of the work: C-7, C-10.

The DBE Contract goal is 16 percent.

Federal-aid project no.:

ACSB1NH-P050(143)E

For the Federal training program, the number of trainees or apprentices is 7.

Bids must be on a cost+time basis.

Complete the work within the number of working days bid.

Do not bid less than 105 working days and not more than 150 working days.

The estimated cost of the project is \$5,200,000.

The Department will receive bids until 2:00 p.m. on the bid open date via Bid Express website. Bids received after this time will not be accepted. For more information refer to the Electronic Bidding Guide at the Office Engineer's website.

The Department will open and publicly read the bids through webcast/teleconference services immediately after the specified closing time.

For bid results go to:

<http://www.dot.ca.gov/des/oe/contractor-info.html>

Select *Electronic Bidding* under the *Bidding* tab.

District office addresses are provided in the *Standard Specifications*.

Present bidders' inquiries to the Department and view the Department's responses at:

http://www.dot.ca.gov/hq/esc/oe/inquiry/bid_inquiries.php

Questions about alleged patent ambiguity of the plans, specifications, or estimate must be asked before bid opening. After bid opening, the Department does not consider these questions as bid protests.

Submit your bid with bidder's security equal to at least 10 percent of the bid.

Prevailing wages are required on this Contract. The Director of the California Department of Industrial Relations determines the general prevailing wage rates. Obtain the wage rates at the DIR website,

FACT SHEET

Federally Funded Contracts Evaluating DBE Participation Contract Evaluation Branch

The California Department of Transportation (Caltrans), Office of Business and Economic Opportunity (OBEO), Contract Evaluation Branch (CEB), is responsible for evaluating all Caltrans federally funded contracts and counting Disadvantaged Business Enterprise (DBE) participation toward contract goals according to Federal regulation. The CEB determines whether the goal has been met or an adequate good faith effort (GFE) has been made by the bidder.

Bidder's Responsibility for Meeting DBE Requirements

Refer to the Special Provisions of the specific contract you are bidding on for your responsibilities. Contracts are advertised on the Division of Engineering Services, Office Engineer's (DES-OE) website at http://dot.ca.gov/hq/esc/oe/weekly_ads/index.php and the Division of Procurement and Contracts' (DPAC) website at <http://caltrans-opac.ca.gov/contract.htm>.

Contract Evaluation Branch's Responsibility for Counting DBE Participation

Step 1	The DBE forms included with bidder's documents for bid are received from DES-OE or DPAC. The Caltrans Bidder-DBE Commitment, Confirmation forms, and a written confirmation (quote) from the DBE are reviewed to determine if the bidder met the goal. If not, GFE will be evaluated. See 49 CFR, Part 26, Appendix A, for GFE guidance. This determination is based only on information timely submitted with the bid or within four (4) business days.
Step 2	<p>Review the Caltrans <i>Bidder—DBE Commitment</i> and <i>DBE Confirmation</i> forms from the bidder to:</p> <ul style="list-style-type: none"> • Ensure that the DBEs are certified by checking the California Unified Certification Program (CUCP) database and cross referencing the DBE work code(s) with the contract bid items. <i>(If the DBE is not certified, its participation will not be counted.)</i> • Ensure the DBEs possess the correct work codes for the type of work they are listed to perform. DBE work codes are listed in the DBE's profiles on the CUCP database at http://www.dot.ca.gov/hq/bep/find_certified.htm. <i>[If DBEs do not possess the correct work code(s), its participation will not be counted.]</i> • Verify the dollar amount claimed for credit is accurate. <ul style="list-style-type: none"> ○ amount claimed for credit on a <i>DBE Confirmation</i> form is consistent with written confirmation (quote) from DBE* and the <i>DBE Confirmation</i> form. ○ amount claimed for credit is consistent with the bidders bid and subcontractor's listing. <p>Written <i>DBE Confirmation</i> forms are reviewed to verify if the DBEs are committed to do the work on the Caltrans <i>Bidder—DBE Commitment</i> form.*</p> <p>*Important Note: Rate sheets that are generic will not be accepted in lieu of written <i>DBE Confirmation</i> forms. This determination is based only on information timely submitted with the bid.</p>

Step 3	<p>Counting DBE Participation: DBE participation is “counted” for all subcontractor tiers where it is demonstrated that certified DBEs possess the correct work codes and will be actively participating on the contract. For example, a non-DBE sub uses a DBE supplier, etc. CEB will count DBE participation as follows:</p> <ul style="list-style-type: none"> • The entire amount of that portion of a construction contract that is performed by the DBE’s own forces is counted. • <u>Truckers:</u> <ul style="list-style-type: none"> ○ The method for counting trucking towards the DBE goal requires the following additional documentation—motor carrier permit, truck title, registration, and proof of insurance, trailer or tanker registration, bills of lading, sub-hauling agreements, existing commitments of trucking on other jobs, and subcontract specific information (e.g., type of material hauled, number of trucks/trailers/tankers, load capacity, distance traveled, and schedule), and a copy of a long-term lease. The lease must be submitted with DBE documentation. Truckers need to own at least one operable insured truck. ○ DBE trucking firms receive 100 percent credit for the value of the hauling. DBE trucking firms who sublease to other DBE firms or DBE owner operators receive 100 percent of the value of the hauling. ○ DBE trucking firms who sublease to non-DBE trucking firms or non-DBE owner operators receive credit for the transportation arrangement or broker fees <i>only</i>—typically from 5 to 20 percent of the value of the hauling. ○ The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to receive credit for the total value of these hauling services. Leased trucks must be on a long-term lease agreement. ○ DBE receives credit for the total value of the transportation services it provides on the contract using truckers it owns, insurers, and operates using drivers it employs. ○ A <i>Truck Declaration</i> form must be completed for all truckers (will receive the form from the CEB). • The cost of material or supplies are counted at 60 percent for regular dealers. Those claiming to be regular dealers of bulk items must additionally demonstrate that they own and operate appropriate distribution equipment. • Equipment rental only is also counted at 60 percent. • DBE participation will not be counted if the DBE is not certified at the time of bid and the certified DBE does not possess the correct work codes for work listed to perform. <p>Important Note: A <i>Truck Declaration</i> form must be completed for all truckers (truckers will receive the form from the CEB) and there may be times when further clarification of commitment is requested for other types of work.</p>
Step 4	<p>Determination is made regarding whether the DBE goal was met. If the DBE goal was not met, the GFE documentation will be evaluated.</p> <p>Important Note: The steps above are not all inclusive. Other steps may be taken in the contract evaluation process.</p>
Step 5	<p>The evaluated DBE forms are returned to DES-OE or DPAC, whichever is applicable.</p>

KRC SAFETY CO., INC.

BARRICADE RENTAL ~ TRAFFIC CONTROL

7821 W. Sunnyview Ave Visalia, CA 93291

Phone (559) 732-0393 ~ Fax (559) 732-2684

WWW.KRCSAFETY.COM

To: Estimator
Project: 03-4F4604
Bid Date: 10/25/2018

03-Yol, Sac-50

UN:381 / D:411

KRC BID # 18-583

UNION, LICENSE #507950 (A, C31), DBE (NATIVE AMERICAN) #000447, SBE #6897, MBE #91S00114, DIR# 1000004730

Item#	Description	U/M	Qty	Rate	Total
4	Traffic Control System - See traffic control quote for rates				342,000 ✓
5	Portable Changeable Message Sign - Per Each, Rental Only \$150.00/Day : \$400.00/Week : \$1,200.00/Month (Month rate based on 30 calendar days) Contractor is fully responsible for PCMS when on rent, this includes any vandalism \$300.00 delivery fee per PCMS : \$300.00 pick up fee per PCMS Impact Attenuator Vehicle (IAV) - Rental Only - Subject To Availability \$350.00/Day : \$1,500.00/Week : \$4,000.00/Month (Month rate based on 30 calendar days) \$380.00 delivery fee will apply : \$380.00 pick up fee will apply Proper insurance certificate must be on file with KRC prior to pickup or delivery Note: (1) addendum(s) acknowledged. Note: If items are not tied together within these notes items may be split. Note: All rental equipment is subject to "DAY" rate if KRC maintains equipment during traffic control shift. Note: Prior to accepting this quote all stipulations listed on quote and the "Attachment A" must be understood and accepted.		5		37,000 ✓
					379,000 ✓

